IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.289 OF 2004

IN

SUIT NO.3848 OF 2000

...

Badruddin Nazir Ahmed Khan ...Plaintiff

v/s.

Kallu @ Nashimuddin ...Defendant

...

Mr.R.R.Mishra for the Plaintiff.

None appears for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 25TH AUGUST,2005

P.C.:

This notice of motion is taken out by the Plaintiff

seeking interim order directing the Defendant to deposit Rs.4000/- per month as and by way of mesne profit. In the same term decree is sought in the suit. Mesne profit will become payable on the finding that the occupation of the Defendant of the premises is unauthorised. Without recording that finding, an order which is in the nature of final order cannot be made. Notice of Motion is, therefore, disposed of.

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